

**ORDINANCE NO. 07-94**

ORDINANCE AMENDING HIALEAH, FLA., ORDINANCE 2004-24 (MAY 13, 2004) THAT REZONED PROPERTY FROM R-1 (ONE FAMILY DISTRICT) TO RO (RESIDENTIAL OFFICE) TO SUBSTITUTE A NEW SITE PLAN DATED FEBRUARY 2, 2007 PREPARED BY MARIO CORO, ARCHITECT, IN PLACE OF THE PREVIOUSLY APPROVED 2004 SITE PLAN, FOR THE DEVELOPMENT OF THE PROPERTY. **PROPERTY LOCATED AT 372 WEST 47 STREET, HIALEAH, FLORIDA.** REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith; PROVIDING PENALTIES FOR VIOLATION HEREOF; PROVIDING FOR A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

**WHEREAS**, the Planning and Zoning Board at its meeting of September 26, 2007 recommended approval of this ordinance; and

**WHEREAS**, the petitioner proffers a declaration of restrictive covenants proposing to construct a 3-foot high landscaped berm above the elevation of the crown of the road located at the front setback to discourage parking in that area, provide metal swing arms to secure the parking area after working hours, and to further provide enhanced landscaping, to which the City accepts.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA, THAT:

**Section 1:** The foregoing facts and recitations contained in the preamble to this ordinance are hereby adopted and incorporated by reference as if fully set forth herein.

**Section 2:** The City of Hialeah, Florida hereby amends Hialeah, Fla., Ordinance 2004-34 (May 13, 2004) that rezoned property from R-1 (One Family District) to RO (Residential Office) to substitute a new site plan dated February 2, 2007 prepared by

Mario Coro, Architect, in place of the previously approved 2004 site plan, for the development of the property. Property located at 372 West 47 Street, Hialeah, Miami-Dade County, Florida and legally described as follows:

THE WEST 17.5 FEET OF LOT 18, ALL OF LOT 19, AND THE EAST 37.5 FEET OF LOTS 20 THROUGH 24, INCLUSIVE, AND THE EAST 37.5 FEET OF THE NORTH ½ OF LOT 25, BLOCK 1, ANDREWS PARK, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 18, PAGE 17, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA.

**Section 3: Repeal of Ordinances in Conflict.**

All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

**Section 4: Penalties.**

Every person violating any provision of the Code or any ordinance, rule or regulation adopted or issued in pursuance thereof shall be punished by a civil penalty not to exceed \$500.00 within the discretion of the court or administrative tribunal having jurisdiction. Each act of violation and each day upon which any such violation shall occur shall constitute a separate offense. In addition to the penalty prescribed above, the city may pursue other remedies such as abatement of nuisance, injunctive relief, administrative adjudication and revocation of licenses or permits.

**Section 5: Severability Clause.**

If any phrase, clause, sentence, paragraph or section of this ordinance shall be declared invalid or unconstitutional by the judgment or decree of a court of competent

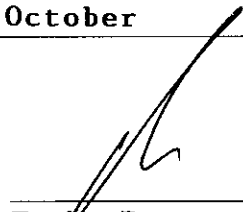
jurisdiction, such invalidity or unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this ordinance.

**Section 6: Effective Date.**


This ordinance shall become effective when passed by the City Council and signed by the Mayor or at the next regularly scheduled City Council meeting, if the Mayor's signature is withheld or if the City Council overrides the Mayor's veto.

PASSED and ADOPTED this 23<sup>rd</sup> day of October, 2007.

THE FOREGOING ORDINANCE  
OF THE CITY OF HIALEAH WAS  
PUBLISHED IN ACCORDANCE  
WITH THE PROVISIONS OF  
FLORIDA STATUTE 166.041  
PRIOR TO FINAL READING.

  
\_\_\_\_\_  
Esteban Bovo  
Council President

Attest:

  
\_\_\_\_\_  
Rafael E. Granado, City Clerk

Approved on this 24 day of October, 2007.

  
\_\_\_\_\_  
Mayor Julio Robaina

Approved as to form and legal sufficiency:

  
\_\_\_\_\_  
William M. Grodnick, City Attorney

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Ordinance was adopted by a unanimous vote with Councilmembers Bovo, Caragol, Casals-Muñoz, Gonzalez, Hernandez, Miel and Yedra voting "Yes".

**Prepared by and return to:**  
City of Hialeah  
Planning Division  
501 Palm Avenue, Second Floor  
Hialeah, FL 33010

**DECLARATION OF RESTRICTIVE COVENANTS  
(Individual)**

(I) (WE), Dr. Jose R. Lamas

Being the owner(s) of lands described herein:

The West 17 feet of Lot 18, all of Lot 19 and the East 37.5 feet of Lots 20 through 24, inclusive, and the East 37.5 feet of the North ½ of Lot 25, Block 1, of Andrews Park, according to the plat thereof, as recorded in Plat Book 18, at Page 17, of the Public Records of Miami-Dade County, Florida.

The street property address is 372 West 47 Street, Hialeah, FL 33012,

The folio number is 04-3106-025-0060,

make the following Declaration of Restrictive covenants covering and running with the above property, specifying that this restriction during its lifetime shall be for the benefit of and a limitation upon all present and future owners of the real property described above, in favor of and enforceable by the City of Hialeah, Florida.

In connection therewith, the undersigned covenants, represents and agrees as follows:

1. There shall be no more than two (2) Occupational Licenses. A landscape berm, hedge, or decorative stones of no less than 3 feet high will be provided along the front property line to prevent parking in the front setback area. The parking lot at the rear of the building will be fenced and metal swing arms to secure parking lot after working hours will be provided. Such gate should be locked whenever the office is closed.
2. This covenant is intended and shall constitute a restrictive covenant concerning the use, enjoyment, and title to the above-described property and shall constitute a covenant running with the land and may be recorded in the Public Records of Miami-Dade County, Florida. This covenant shall remain in full force and effect and shall be binding upon the undersigned, its (their) heirs, successors and assigns until such time as the same is modified, amended or released and may only be modified, amended or released by a written instrument executed by the then owner having fee simple title to the property affected or to be affected by such modification, amendment, or release; provided, however, the same is also approved by the City Council and the Mayor of the City of Hialeah, or its successors, by resolution, upon advertised notice, or by ordinance if the covenant is adopted by ordinance or as otherwise provided in Hialeah Charter.
3. Where construction has occurred on said property described herein, pursuant to a permit issued by the City of Hialeah, and inspection made and approval of occupancy given by the City, the same shall create a conclusive presumption that the improvements thus constructed comply with the intent and spirit of the restrictions referenced herein and this Declaration of Restrictive Covenants shall not be construed as clouding title of any of said property on which such development has occurred.

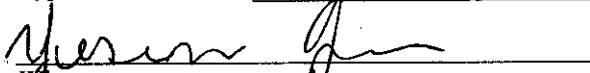
IN WITNESS WHEREOF, (I) we have hereunto set out hands and seals at  
City of Fort Lauderdale this 30 day of September, 2007  
(location)

Signed, sealed and delivered in the  
presence of:



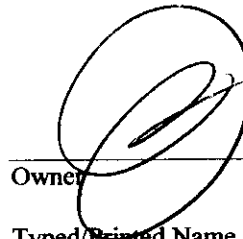
Witness (2 Witnesses  
required)

Typed/Printed Name CHRISTINE ARNESEN



Witness:

Typed/Printed Name YESENIA GRIMES



Owner

Typed/Printed Name Dr. Jose R. Lamas

Witness (2 Witnesses  
required)

Typed/Printed Name \_\_\_\_\_

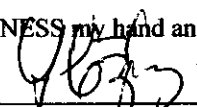
Co-Owner

Typed/Printed Name \_\_\_\_\_

STATE OF FLORIDA  
COUNTY OF MIAMI-DADE

I HEREBY CERTIFY that on this 30 day of September, 2007, before me, an officer duly  
authorized in the State of Florida and in County of Miami-Dade, to take acknowledgments, personally  
appeared Dr. Jose R. Lamas and N/A To me known to be the  
person(s) described herein and who executed the foregoing instrument, and he/she/they acknowledged before  
me, under oath, that he/she/they executed same.

WITNESS my hand and official seal this 30 day of Sept., 2007

  
Notary Public, State of Florida

Yuri Gonzalez  
(Name of Notary Public: Print, Stamp, or Type  
as Commissioned)

☒ Personally known to me, or  
☐ Produced identification:

Identification produced: \_\_\_\_\_

☐ Did take an oath  
☒ Did NOT take an oath

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